



03-02-05

AF/2721/4
JW

Docket No. 2024738-7030210000
CYM-034 (11.017011)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

David Zahniser

Serial No.: 09/430,198

Filed: October 29, 1999

For: APPARATUS AND METHODS FOR
VERIFYING THE LOCATION OF AREAS
OF INTEREST WITHIN A SAMPLE IN AN
IMAGING SYSTEM

Group Art Unit: 2721

Confirmation No.: 6914

Examiner: Chong R. Kim

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Sir:

Applicant hereby **appeals** to the Board of Patents Appeals and Interferences from the
decision dated October 19, 2004.

The items checked below are appropriate.

1. Request and Petition for EXTENSION OF TIME:

☒ The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136
apply.

03/04/2005 AWONDAF1 00000074 502518 09430198

01 FC:1401 500.00 DA
02 FC:1251 120.00 DA

- ☒ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input checked="" type="checkbox"/> one month	\$60.00	\$120.00
<input type="checkbox"/> two months	\$225.00	\$450.00
<input type="checkbox"/> three months	\$510.00	\$1,020.00
<input type="checkbox"/> four months	\$795.00	\$1,590.00
<input type="checkbox"/> five months	\$1,080.00	\$2,160.00
Fee		\$120.00

According to the MPEP 706.07 (f), if an Applicant replies within 2 months from the mailing date of a final rejection, and an Advisory Action is mailed before the end of 3 months from the date of mailing of the final rejection, the shortened statutory period will expired at the end of the 3 months from the date of mailing of the final rejection. *"If the Examiner, however, does not mail an Advisory Action until after the end of the 3-month period, the shortened statutory period will expire on the date the Examiner mails the Advisory Action and any extension of time fee would be calculated from the mailing date of the Advisory Action"*

As such, the extension of time is properly calculated from the mailing date of the Advisory Action (February 1, 2005), and just **one month extension fee is required**.

- ☒ If any extension fee is required, please consider this a petition therefore.

2. Appeal FEES

- ☐ Applicant claims small entity status pursuant to 37 CFR § 1.27.

<input checked="" type="checkbox"/> APPEAL FEE: 37 CFR § 1.17 (b)	\$500.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR § 1.9, 1.27, 1.28.	<input type="checkbox"/> \$0.00
Extension of Time (from above)	\$120.00
TOTAL FEES SUBMITTED HERewith	\$620.00


3. Method of Payment of fees:

- ☐ Attached is a check in the amount of _____.
- ☒ Please charge Bingham McCutchen's Deposit Account No. **50-2518** in the amount of \$620.00. *A duplicate copy this sheet is enclosed.*
- ☒ The Commissioner is authorized to charge Bingham McCutchen's Deposit Account No. **50-2518** for any fees required that are not covered, in whole or in part, and to credit any overpayments to said Deposit Account No. **50-2518**

Respectfully submitted,
BINGHAM McCUTCHEN LLP

Dated: February 28, 2005

By: _____


Gerald Chan
Reg. No. 51,541

23639
PATENT TRADEMARK OFFICE

BINGHAM McCUTCHEN LLP
Three Embarcadero, Suite 1800
San Francisco, CA 94111-4067
(650) 849-4400



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TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for the above-identified application are the following:

- ☒ Notice of Appeal with Authorization to charge fees (3 pages);
- ☒ Transmittal with certificate of Mailing (2 pages); and
- ☒ Return receipt postcard.

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313-1450.

EV 347037681 US
Express Mail Label No.

February 28, 2005
Date of Deposit
PA/52152929.1

Maritza Kidd
Name of Person Mailing Paper

Signature of Person Mailing Paper

Respectfully submitted,
BINGHAM McCUTCHEN LLP

Dated: February 28, 2005

By: 

Gerald Chan
Reg. No. 51,541

Customer Number
23639
PATENT TRADEMARK OFFICE

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